

**§ 619. Compliance with nationally recognized codes**

**(a) Building codes**

Each building constructed or altered by the General Services Administration or any other Federal agency shall be constructed or altered, to the maximum extent feasible as determined by the Administrator or the head of such Federal agency, in compliance with one of the nationally recognized model building codes and with other applicable nationally recognized codes. Such other codes shall include, but not be limited to, electrical codes, fire and life safety codes, and plumbing codes, as determined appropriate by the Administrator. In carrying out this subsection, the Administrator or the head of the Federal agency authorized to construct or alter the building shall use the latest edition of the nationally recognized codes referred to in this subsection.

**(b) Zoning laws**

Each building constructed or altered by the General Services Administration or any other Federal agency shall be constructed or altered only after consideration of all requirements (other than procedural requirements) of—

(1) zoning laws, and

(2) laws relating to landscaping, open space, minimum distance of a building from the property line, maximum height of a building, historic preservation, and esthetic qualities of a building, and other similar laws,

of a State or a political subdivision of a State which would apply to the building if it were not a building constructed or altered by a Federal agency.

**(c) Special rules**

**(1) State and local government consultation, review, and inspections**

For purposes of meeting the requirements of subsections (a) and (b) of this section with respect to a building, the Administrator or the head of the Federal agency authorized to construct or alter the building shall—

(A) in preparing plans for the building, consult with appropriate officials of the State or political subdivision, or both, in which the building will be located;

(B) upon request, submit such plans in a timely manner to such officials for review by such officials for a reasonable period of time not exceeding 30 days; and

(C) permit inspection by such officials during construction or alteration of the building, in accordance with the customary schedule of inspections for construction or alteration of buildings in the locality, if such officials provide to the Administrator or the head of the Federal agency, as the case may be—

(i) a copy of such schedule before construction of the building is begun; and

(ii) reasonable notice of their intention to conduct any inspection before conducting such inspection.

**(2) Limitation on State responsibilities**

Nothing in this section shall impose an obligation on any State or political subdivision to take any action under paragraph (1).

**(d) State and local government recommendations**

Appropriate officials of a State or a political subdivision of a State may make recommendations to the Administrator or the head of the Federal agency authorized to construct or alter a building concerning measures necessary to meet the requirements of subsections (a) and (b) of this section. Such officials may also make recommendations to the Administrator or the head of the Federal agency concerning measures which should be taken in the construction or alteration of the building to take into account local conditions. The Administrator or the head of the Federal agency shall give due consideration to any such recommendations.

**(e) Effect of noncompliance**

No action may be brought against the United States and no fine or penalty may be imposed against the United States for failure to meet the requirements of subsection (a), (b), or (c) of this section or for failure to carry out any recommendation under subsection (d) of this section.

**(f) Limitation on liability**

The United States and its contractors shall not be required to pay any amount for any action taken by a State or a political subdivision of a State to carry out this section (including reviewing plans, carrying out on-site inspections, issuing building permits, and making recommendations).

**(g) Applicability to certain buildings**

This section applies to any project for construction or alteration of a building for which funds are first appropriated for a fiscal year beginning after September 30, 1989.

**(h) National security waiver**

This section shall not apply with respect to any building if the Administrator or the head of the Federal agency authorized to construct or alter the building determines that the application of this section to the building would adversely affect national security. A determination under this subsection shall not be subject to administrative or judicial review.

(Pub. L. 86-249, §21, as added Pub. L. 100-678, §6(a), Nov. 17, 1988, 102 Stat. 4051.)

**NOTIFICATION OF FEDERAL AGENCIES**

Section 6(b) of Pub. L. 100-678 provided that: “Not later than 180 days after the date of the enactment of this section [Nov. 17, 1988], the Administrator of General Services shall notify the heads of all Federal agencies of the requirements of section 21 of the Public Buildings Act of 1959 [40 U.S.C. 619].”

**CHAPTER 13—NATIONAL CAPITAL TRANSPORTATION PROGRAM**

**§§ 651, 652. Repealed. Pub. L. 91-143, §8(a)(1), Dec. 9, 1969, 83 Stat. 322**

Section 651, Pub. L. 86-669, title I, §102, July 14, 1960, 74 Stat. 537, stated Congressional findings and policy respecting National Capital transportation.

Section 652, Pub. L. 86-669, title I, §103, July 14, 1960, 74 Stat. 537, defined “National Capital region” and “government agency” and “government agencies”. Article I of Title I (General Compact Provisions) of the Washington Metropolitan Area Transit Regulation Compact, set out in District of Columbia Code under